

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

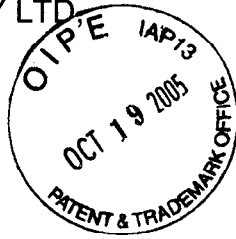
GSM (OPERATIONS) PTY LTD

Opposer,

v.

RYAN C.GATES,

Applicant.



TTAB

Opposition No.

Our Account No. 14-1140

Our Order No. 181-195
C# M#

In Re Application No. 76-625,577
Filed: December 21, 2004
For the Mark BILLABLUNT

Date: October 19, 2005

Box TTAB Fee

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

The document indicated below is attached for filing and is incorporated by reference. Fees are attached as calculated below:

- ☒ NOTICE OF OPPOSITION in 1 class(es) (\$ 300.00 per class) (6402) \$ 300.00
☐ PETITION FOR CANCELLATION in 0 class(es) (\$ 300.00 per class)(6401) \$ 0.00

TOTAL FEE ENCLOSED \$ 300.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this form) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.

By Atty: Duane M. Byers

Signature: _____



10-19-2005

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #64

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GSM (Operations) Pty Ltd)	
)	
Opposer)	
)	
v.)	Opposition No. _____
)	Application Serial No. 76-625,577
Ryan C. Gates)	
)	
Applicant)	

NOTICE OF OPPOSITION

Opposer, GSM (Operations) Pty Ltd, an Australian corporation with a business address of 1 Billabong Place, Burleigh Heads, Queensland, 4220, Australia, hereby opposes registration of the mark BILLABLUNT that is the subject of application Serial No. 76-625,577, published in the Official Gazette of September 20, 2005, and requests that registration to Applicant be refused.

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As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer, for many years and since long prior to any application filing date or any date of first use upon which Applicant can rely, has adopted and continuously used the term BILLABONG as a trademark for various clothing and other items in International Classes 6, 9, 14, 16, 18, 24, 25 and 28.
2. Opposer is the owner of U.S. Trademark Registration Nos. 1277128, 1469106, 1469119, 2244822, 2268321, 2769667, 2432497 and 2965567 that include the trademark term BILLABONG as used in conjunction with

clothing, sporting goods and other items. These registrations are valid, subsisting, unrevoked and uncanceled.

3. Applicant has filed an application to register the mark BILLABLUNT for "Class 25 - Clothing, namely, men's and women's sweatshirts, T-shirts, hooded sweatshirts, beanies, pants, shorts, underwear and G-strings." The application was filed on December 21, 2004, and was assigned Serial No. 76-625,577.
4. Applicant's trademark so resembles Opposer's previously used, registered and applied for BILLABONG trademarks as to be likely, when used in connection with the goods set forth in Applicant's application (including by way of verbal usage of the Applicant's mark that is similar to Opposer's BILLABONG trademark term), to cause confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act. Indeed, it appears that Applicant's BILLABLUNT mark is merely an extension of Opposer's BILLABONG mark (e.g., all letters are identical except for the last three)
5. Opposer has successfully policed its BILLABONG trademark. The same success should follow with this opposition against the BILLABLUNT trademark application.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Date: Oct. 19 2005

Respectfully submitted,



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